First Nations Water Rights in British Columbia

A Historical Summary of the rights of the Nak'azdli First Nation

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MINISTRY OF ENVIRONMENT, LANDS and PARKS
WATER MANAGEMENT BRANCH

FIRST NATIONS WATER RIGHTS IN BRITISH COLUMBIA:

A Historical Summary of the rights of the Nak'azdli First Nation

Research and writing by:	Kelly Babcock
Edit by:	Miranda Griffith Daniela Mogus
Review by:	Gary W. Robinson
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The sheer numbers of First Nations groups' with histories of water rights made the completion of the Report Series seem, at times, prolonged. The determination, patience and vision of the partners was essential in the completion of the Series and is gratefully acknowledged.

Gary Robinson
Project Manager
Water Management Branch

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FIRST NATIONS WATER RIGHTS REPORT

BAND: Nak'azdli (formerly Necoslie)

ADDRESS: P.O. Box 1329, Fort St. James, B.C., V0J 1P0

CHIEF: Robert Antoine

PHONE: 996-7171 **FAX:** 996-8010

AFFILIATION: Carrier-Sekani Tribal Council

LOCATION:

The Nak'azdli Band occupy 16 reserves in the vicinity of Stuart Lake, in the central interior of the province. The reserves are located on the Interior Plateau, and are bordered to the north by the Omineca Mountains. The reserves range in size from 0.2 hectares to 388.5 hectares, for a total area of 1,459.9 hectares.

Beaver Islands 8	Six Mile Meadow 6	Tatsadah Lake 14
Carrier Lake 15	Sowchea 3	Tatselawas 2
Great Bear Lake 16	Sowchea 3A	Uzta 4
Inzana Lake 12	Stuart Lake 9	Uzta 7A
Necoslie 1	Stuart Lake 10	Williams Prairie
Meadow 1	Nehounlee Lake 13	

Of the 16 reserves, only Necoslie No. 1 has a record of water allocations:

> Necoslie No. 1 is a 297 hectare Reserve located at the eastern end of Stuart Lake. The southwestern corner of the reserve borders Stuart Lake, and the Village of Fort St. James is located directly to the north.

The most recent population figures compiled by the Ministry of Finance show a population of 545 registered members living on reserve. Total population of registered members, living on and off reserve, is 1341.

Necoslie No. 1 sits at 2300 to 2400 feet above mean sea level, and experiences average daily temperatures in January of -15 degrees centigrade and average daily temperatures of less than 16 degrees centigrade in July. Rainfall for the area averages between 30 and 50 centimetres annually.

Water courses of significance include:

- Necoslie Spring - flows south into the northeast corner of Necoslie No. 1, and appears to terminate in the reserve.

WATER ALLOCATIONS:

There are no records of water allocations made by either the Indian Reserve Commission, the Lieutenant Governor in Council (by an Order in Council), or by the Board of Investigation (by Order). No action to amend licensed rights pursuant to provisions in the Water Act have been recorded.

The water rights of the Nak'azdli Band have been recorded or affected by only one action of government over the years:

1) the granting of water licences in response to Federal Government applications for the use of water on reserves.

HISTORY, CURRENT STATUS, AND NOTES:

The history of water rights, the current status of rights and notes for the Nak'azdli Band with respect to Necoslie Spring are as follows:

Necoslie Spring

History:

Nov 1, 1951 — In accordance with an application by the Director of Indian Affairs, the Comptroller issued Conditional Water Licence 20316, bearing a precedence date of August 21, 1951, and authorizing the diversion and use of 20,000 gallons of water a day for domestic purposes. The licence may be used year-round and the land to which this licence is appurtenant is Necoslie Reserve No. 1.

Sept 1, 1954 — The Comptroller issued Final Water Licence 15611 (in substitution of Conditional Water Licence 20316), with the same terms and conditions as the previous licence.

Current Status:

The Nak'azdli Band holds the only licence on Necoslie Spring (Final Licence 15611), and therefore have first priority on this water source.

Information on file indicates that the Band has not been using Final Water Licence 15611 on Necoslie Spring since 1986.

Water Survey of Canada has no records for this creek and there is no other current information on file with regards to water availability.

Notes.

Under current licensing practices Final Water Licence 15611 would be issued for waterworks purposes. The amendment of this licence would allow for the designation of the Necoslie Spring drainage area as a Community Watershed under the Forest Practices Code.

OTHER INFORMATION:

Groundwater Records:

Review of records of the Groundwater Section shows evidence of 3 wells on Necoslie No. 1. Two of the wells reported yields, at 5 and 2 gallons per minute. The extent to which these wells are utilized at this time is unknown. Further details are attached to this report.

As provision of information to the Groundwater Section is voluntary, it cannot be assumed to be complete.

Municipal Water Sources:

At this time there may be potential for water supply from a municipality, as the Village of Fort St. James owns four (4) wells, which report yields of 180, 500, 4 200 and 4 gallons per minute. Further details are attached to this report.

ATTACHMENT 1

Summary of Water Records

Nak'azdli Band

Water Source	Priority Date	Reserve Name	File Number	Document Type	Status	Superceded By	Licence PUC/MOD & OIC Allotments	Comments
Necoslie Spring	1951/08/21	Necoslie #1	190454	CL 20316	Superceded	FL 15611	20,000 GAD/Domestic	CL 20316: **Priority 1** - Necoslie Spring.
Necoslie Spring	1951/08/21	Necoslie #1	0190454	FL 15611	Current		20,000 GAD/Domestic	FL 15611: **File 0190454**: Indicates FL 15611 has not been used since 1986. **Necoslie Spring Drainage Area:** Potential designation *"Community Watershed "*; requires amendment.

LEGEND:

Licence Types (Document Types)
CL: Conditional Licence
FL: Final Licence

Mechanisms for Allocation (Document Type)
OIC: Order-in-Council (as issued by the Luitenant Governor in Council)
MOD: Minute of Decision (as recorded under the Indian Reserve Commission)
IRC: Indian Reserve Commission
AGBC: Attorney Generals Office of BC (followed by File #)

Allotment Units (Licence PUC/MOD & OIC Allotments)
GAD: Gallons a day
AF: Acre feet
CFS: Cubic feet per second

ATTACHMENT 2

W.R.B. 13—534-1850-3074 (2)

PROVINCE OF BRITISH COLUMBIA

Water Rights Branch

DEPARTMENT OF LANDS AND FORESTS

CONDITIONAL WATER LICENCE

DIRECTOR OF INDIAN AFFAIRS of Ottawa, Ontario is hereby authorized to divert and use water as follows:—

(a) The source of the water-supply is Necoslie Spring.

(b) The point of diversion is located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 21st August, 1951.

(d) The purpose for which the water is to be used is Domestic.

(e) The maximum quantity of water which may be diverted is 20,000 gallons a day and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(f) The period of the year during which the water may be used is the whole year.

(g) The land upon which the water is to be used and to which this licence is appurtenant is Necoslie Indian Reserve No. 1

(h) The works authorized to be constructed are Catch basin and Pipe

and they shall be located approximately as shown on the attached plan.

(i) The construction of the said works shall be commenced on or before the 30th day of April, 19 52 and shall be completed and the water beneficially used on or before the 31st day of December, 19 53.

Referred to 21 A(E-G) A-L

Superseded by Final Licence 15611

(E.H.Tredcroft)
Comptroller of Water Rights.

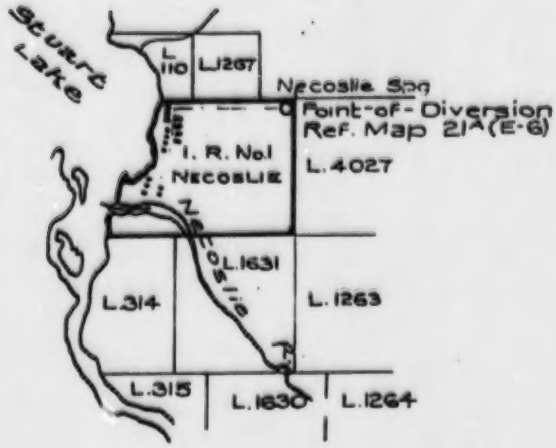
File No. 0190454 Date issued November 1, 1951 Licence No. 20316

British Columbia.

To accompany Conditional licence No. 20316

FORT FRASER WATER DISTRICT.

Scale, 80 Chains to 1 Inch.



NECOSLIE INDIAN RESERVE NO. 1

Range 5 Coast

The Tracing for this Licence has been used for the Final Licence.

LEGEND
Point-of-Diversion O
Pipe — - —
The boundaries of the land to which this permit is appurtenant are shown thus: ———

Signature E. H. Scott

Date Nov. 1st, 1951

EXHIBIT "A"

C.L. 20316
File 0150454

W.R.B. 17—534-1953-6179

PROVINCE OF BRITISH COLUMBIA

Water Rights Branch

DEPARTMENT OF LANDS AND FORESTS

FINAL WATER LICENCE

Director of Indian Affairs of Ottawa, Ontario.

is hereby authorized to divert and use water as follows:—

(a) The source of the water-supply is Necoslie Spring.

(b) The point of diversion is located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 21st August 1951.

(d) The purpose for which the water is to be used is domestic.

(e) The maximum quantity of water which may be diverted is 20,000 gallons a day and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(f) The period of the year during which the water may be used is the whole year.

(g) The land upon which the water is to be used and to which this licence is appurtenant is

Necoslie Indian Reserve No. 1.

(h) The works authorized hereunder are tank and pipe located as shown on the attached plan.

(i) This licence is issued in substitution of Conditional Water Licence No. 20316.

ENTERED ON Map No. 21 A (E.C.) By R.M.

Deputy Comptroller of Water Rights.

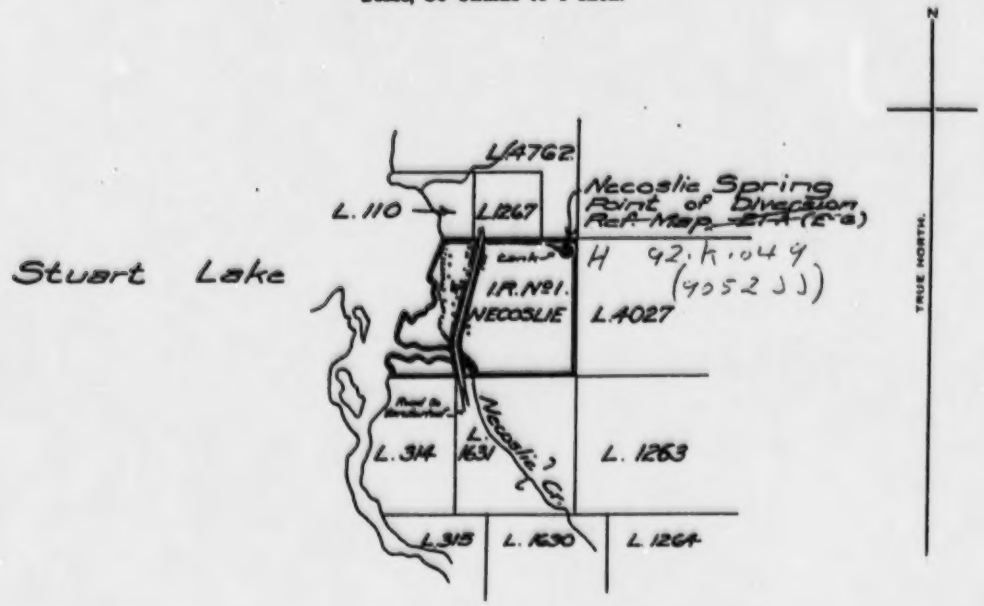
File No. 0190484 Date issued September 1, 1954. Licence No. 15611

British Columbia.

To accompany Final Licence No. 15611

~~FORT FRASER~~ PRINCE GEORGE WATER DISTRICT.

Scale, 80 Chains to 1 Inch.



COAST DISTRICT RANGE 5

LEGEND
Point of Diversion ●
Pipe —·—

VANDERHOOF PRECINCT

The boundaries of the land to which this licence is appurtenant are shown thus: ———

Signature [signature]

Date 1st Sept. 1954

EXHIBIT "A"

F.L. 15611 for C.L. 20516

File: 0190454

ATTACHMENT 3

Stream Register Report **Water Licence Information System**

Report Requested By : KRAUSSCH
Date Report Requested : 1998/09/28 11:36
Report Sorted By : Source Gazetted - Priority Date - Licence Number
Selection Criteria
START POINT : P027796 - 93.E.048 H
END POINT : A052888 - Hacoulie Spring

Priority YYYY/MM/DD	Licence Number	File Number	Appurtenancy	Licensee	PUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
Source		WR Map	POD	RED POD Comments					Free	
1951/08/31	P015611	0190456	HECOSLIE IR 61 R 5 COAST DIST	HAE'AEDLI INDIAN BAND 905-616-7530 BOX 1329 PORT ST JAMES BC V0J1P0	3300	20,000.00 CD	Jan 01	Dec 31	FORMERLY HECOSLIE INDIAN BAND	
Hecoslie Spring		WR93.K.049	N	N					24E PD - VANDERHOOF	

---------- Total of 1 Licence Reported ----------

ATTACHMENT 4

1996/FEB/20 13:07 — MINISTRY OF ENVIRONMENT, LANDS & PARKS — Page 1

WELL4680 Production — Water Rights Information System — Operator Id SPINNY

Summary Report (with legal descriptions and old coordinates)

NTS Map Area	Well No.	Well Tag No.	Lot No.	Plan No.	Sec No.	TP	RG	MD	O.D.	X	Y	Old Well No.	L.D.	Site Address	Date Constructed (day)	Well Depth (ft.)	Well Diam. (in.)	Drill Const No.	Const. Method	Well Yield	Yld. Unt.	Depth to Water (ft.)	Depth to Bedrk (ft.)	Aquif Lithe	Screen Interval (ft.)	G.W. Rpt	Chem Lab	Chem Fld	Chem Site No.
093E.040.1.1.3	001	0000000206656							1643	00	00	00	000	16	PARADISE BEACH	06-11-1971	44.0	10.0	120	DRI			4	UNK	UNC					
093E.040.1.1.6	001	0000000387782	D	6870					1643	00	00	00	000	16		01-09-1973	140.0	6.5	045	UNK	1000.0	GPM	5	UNK	UNC					
093E.040.1.1.6	002	0000000830419	B	8981					1643	00	00	00	000	16	SONCHIA RD	26-06-1974	320.0	6.5	045	UNK	30.0	GPM	11	UNK	UNC					
093E.040.1.1.6	003	0000000389974	4	6123					1643	00	00	00	000	16	SOMBARA RD	01-08-1973	150.0	6.5	048	UNK			30	UNK	UNC					
093E.040.1.1.6	004	0000000389967	9	6123					1643	00	00	00	000	16	SOMBARA RD	01-10-1973	157.0	6.5	045	UNK			2	UNK	UNC					
093E.040.1.1.6	005	0000000405069	28	7287					1643	00	00	00	000	16	SONCHIA BAY RD	09-05-1980	200.0	6.0	024	DRI			40	UNK	UNC					
093E.040.1.1.6	006	0000000408330							1643	00	00	00	000	16	SONCHIA ROAD	07-06-1993	280.0	6.0	024	DRI	15.0	GPM	60		UNC					
093E.040.1.2.3	001	0000000408222	13						1644	00	00	00	000	16	GRANT ROAD	22-11-1992	190.0	6.0	024	DRI	8.0	GPM	60		UNC					
093E.040.1.2.3	002	0000000408338	13	6144					1644	00	00	00	000	16	SONCHIA ROAD	07-06-1993	280.0	6.0	024	DRI	10.0	GPM	60		UNC					
093E.040.1.2.6	001	0000000384668	1	6830					1685	00	00	00	000	16	SOOCHIC RD	27-07-1972	314.0	0.0	059	DRI	15.0	GPM	48	333	UNC	299-302				
093E.040.1.2.6	002	0000000384831		6830					1685	00	00	00	000	16	SOOCHIC RD	15-07-1972	314.0	0.0	059	DRI	90.0	GPM	45	GPM	UNC	305-309				
093E.040.1.2.6	003	0000000404464	3	8930			5		1685	00	00	00	000	16	PETRA BAY RD	10-02-1980	191.0	6.0	024	DRI	6.0	GPM	60	UNK	UNC					
093E.040.1.4.3	001	0000000385971							1668	00	00	00	000	16	SOMBARA RD	01-08-1973	282.0	6.5	048	UNK			30	313	UNC					
093E.040.2.1.2	001	0000000385168	9	7468			5		314	00	00	00	000	16	ROBERTS RD	01-07-1976	150.0	6.0	045	DRI			UNK	UNK	UNC					
093E.040.2.1.2	002	0000000408746	26	9563					314	00	00	00	000	16	ROBERTS RD	03-08-1981	490.0	6.0	024	DRI	3.0	GPM	UNK	238	RED					
093E.040.2.1.2	003	0000000382395	A	8446			5		315	00	00	00	000	16	ROBERTS RD	01-01-1977	300.0	0.0	024	DRI			UNK	195	RED					
093E.040.2.1.2	004	0000000383330	A	1870					315	00	00	00	000	16	STUART RIVER CAMPING	14-04-1979	250.0	4.5	045	UNK	600.0	GPM	50	139	RED					
093E.040.2.1.2	005	0000000380413	1	7468					315	00	00	00	000	16	RIVER RD	23-06-1976	148.0	4.5	045	UNK	10.0	GPM	51	UNK	UNC					
093E.040.2.1.2	006	0000000380906	5	3360					314	00	00	00	000	16	STUART DR	01-10-1973	75.0	6.5	045	UNK	1000.0	GPM	22	UNK	UNC					
093E.040.2.1.2	007	0000000385781	3	5276					1643	00	00	00	000	16	AIRSTRIP	15-08-1973	295.0	6.0	059	DRI	16.0	GPM	95	UNK	UNC	258-355				
093E.040.2.1.3	001	0000000384424		6343	3				1634	00	00	00	000	16	SONCHIA BAY RD	01-01-1965	60.0	30.0	045	DRI			UNK	UNK	UNC					
093E.040.2.1.3	002	0000000385971	10	6359					551	00	00	00	000	16	SONOMBA RD	01-08-1973	320.0	6.5	048	UNK			84	318	UNC					
093E.040.2.1.3	003	0000000384434								00	00	00	000	16	SONCHEN RD	23-10-1980	280.0	6.0	059	DRI	0.5	GPM	50	203	RED					
093E.040.2.1.3	004	0000000407488								00	00	00	000	16	SONCHEN RD	09-04-1981	236.0	6.0	059	DRI			UNK	216	RED					
093E.040.2.1.3	005	0000000408027	24	6359			5		551	00	00	00	000	16	HILL ROAD OFF SONCHE	16-08-1994	190.0	6.0	024	DRI	3.0	GPM	160	63	RED					
093E.040.2.1.4	001	0000000385864								00	00	00	000	16	HIGHWAY MAINTAINENCE	09-03-1982	600.0	6.0	044	DRI			UNK	UNK	UNC					
093E.040.2.1.4	002	0000000385867	8	6858		11	6			00	00	00	000	16		13-02-1974	148.0	6.0	059	DRI	4.0	GPM	41	135	RED					
093E.040.2.1.4	003	0000000385170	11	7468			5		314	00	00	00	000	16	ROBERTS RD	01-07-1976	325.0	6.0	045	DRI	40.0	GPM	35	UNK	UNC					
093E.040.2.1.4	004	0000000385373	A	6331					549	00	00	00	000	16	FALL FACE GROUNDS	14-07-1980	288.0	6.0	030	DRI	15.0	GPM	110	1	RED					
093E.040.2.1.4	005	0000000408026	23	6581					314	00	00	00	000	16	HARMAN ROAD OFF ROB	25-08-1994	132.0	6.0	024	DRI	30.0	GPM	30		UNC					
093E.040.2.1.4	006	0000000383889	2	6581					314	00	00	00	000	16		27-05-1975	150.0	0.0	045	DRI	15.0	GPM	6	UNK	UNC					
093E.040.2.3.1	001	0000000385173	1	8173			5		1631	00	00	00	000	16	HECOBLIS RD	01-07-1976	375.0	0.0	045	DRI	0.5	GPM	225	93	RED					
093E.040.2.3.1	002	0000000384826	B	5972					1624	00	00	00	000	16	SONCHIA RD	25-06-1974	310.0	4.5	045	UNK	10.0	GPM	80	260	UNC					
093E.040.2.3.1	003	0000000385173	A	7897			5		1624	00	00	00	000	16	CAMP MORRICK	01-07-1976	500.0	0.0	045	DRI			UNK	235	RED					
093E.040.2.3.1	003	0000000383392	1	8680					1625	00	00	00	000	16	SONCHEN RD	01-02-1984	500.0	6.0	023	DRI	1.0	GPM	93	160	RED					
093E.040.2.3.1	004	0000000389434	10	6363			5		1624	00	00	00	000	16		31-03-1978	335.0	0.0	100	DRI	10.0	GPM	225	265	RED					
093E.040.2.3.1	005	0000000389427	7	6363			5		1624	00	00	00	000	16		29-03-1978	205.0	6.0	100	DRI	25.0	GPM	40	UNK	UNC					
093E.040.2.3.1	006	0000000383315	7	8680					1625	00	00	00	000	16	SONCHEN RD	01-01-1984	560.0	6.0	022	DRI	1.0	GPM	93	155	RED					
093E.040.2.3.1	007	0000000382986	6	8089			5		1625	00	00	00	000	16	SONCHEN RD	01-11-1983	180.0	6.0	023	DRI	0.5	GPM	40	158	RED					
093E.040.2.3.1	008	0000000403988		6363	8				1624	00	00	00	000	16	SONCHEN BAY RD	01-08-1979	215.0	6.0	024	DRI	8.0	GPM	UNK	UNK	UNC					
093E.040.2.3.1	009	0000000389504							1624	00	00	00	000	16	SCHRAM ROAD	02-10-1990	240.0	6.0	024	DRI	20.0	GPM	40		UNC					
093E.040.2.3.2	001	0000000404925								00	00	00	000	16		01-01-1955	200.0	0.0	367	UNK			UNK	203	UNC					
093E.040.2.3.2	002	3000000036832								00	00	00	000	16		26-08-1972	230.0	6.0	059	DRI	5.0	GPM	27	223	UNC					
093E.040.2.3.2	003	0000000036753								00	00	00	000	16	HECOBLIS IR	07-08-1972	229.0	6.0	059	DRI	2.0	GPM	18	214	UNC	201-203				
093E.040.2.3.4	001	0000000C2043	B	3295	3				110	00	00	00	000	16		01-01-1965	150.0	3.0	367	DRI	2.0	GPM	UNK	UNK	UNC					
093E.040.2.3.4	002	0000000401876	5	1480	3				110	00	00	00	000	16		01-01-1938	264.0	3.0	367	DRI	180.0	GPM	UNK	UNK	UNC					
093E.040.2.3.4	003	0000000404961							110	00	00	00	000	16		01-01-1955	319.0	16.0	086	DRI	500.0	GPM	UNK	UNK	UNC		Y			
093E.040.2.3.4	004	0000000413518		1480	3				110	00	00	00	000	16		01-01-1951	294.0	3.0	367	OTH	50.0	GPM	UNK	UNK	UNC		Y			
093E.040.2.3.4	005	0000000404950	5	1481					111	00	00	00	000	16		01-01-1950	295.0	3.0	367	OTH	50.0	GPM	60	UNK	UNC					
093E.040.2.3.4	006	0000000402180	1	1480	3				110	00	00	00	000	16		01-01-1966	280.0	3.0	367	DRI	2.0	GPM	UNK	UNK	UNC					
093E.040.2.3.6	007	9300000001833	C	1182						00	00	00	000	16		01-01-1937	290.0	3.0	367	UNK	2.0	GPM	UNK	UNK	UNC					
093E.040.2.3.6	008	0000000322987	83				5		111	00	00	00	000	16		19-11-1969	334.0	30.0	148	DRI	4300.0	USGM	120	334	UNC	315-331	Y	Y		1401783
093E.040.2.3.6	009	3000000048893	2						110	00	00	00	000	16		22-06-1989	280.0	6.0	024	DRI	1.5	GPM	140	53	RED					
093E.040.2.3.6	010	0000000405831	12	6130					111	00	00	00	000	16	HOY ROAD	29-08-1994	310.0	6.0	014	DRI	2.0	GPM	150		UNC					
093E.040.2.4.3	001	0000000128036	B	3343					1267	00	00	00	000	16		01-01-1950	290.0	3.0	367	DRI	2.0	GPM	UNK	UNK	UNC					
093E.040.2.4.3	002	0000000401834	3	1217					1267	00	00	00	000	16		01-01-1936	290.0	3.0	367	DRI	2.0	GPM	UNK	UNK	UNC					
093E.040.2.4.3	003	0000000548897		7070					1267	00	00	00	000	16	ROBERTS ROAD	24-06-1989	134.0	6.0	024	DRI	10.0	GPM	30		UNC					
093E.040.4.1.1	001	0000000823437							3181	00	00	00	000	16		01-06-1969	147.0	6.0	089	DRI			18	83	UNC					

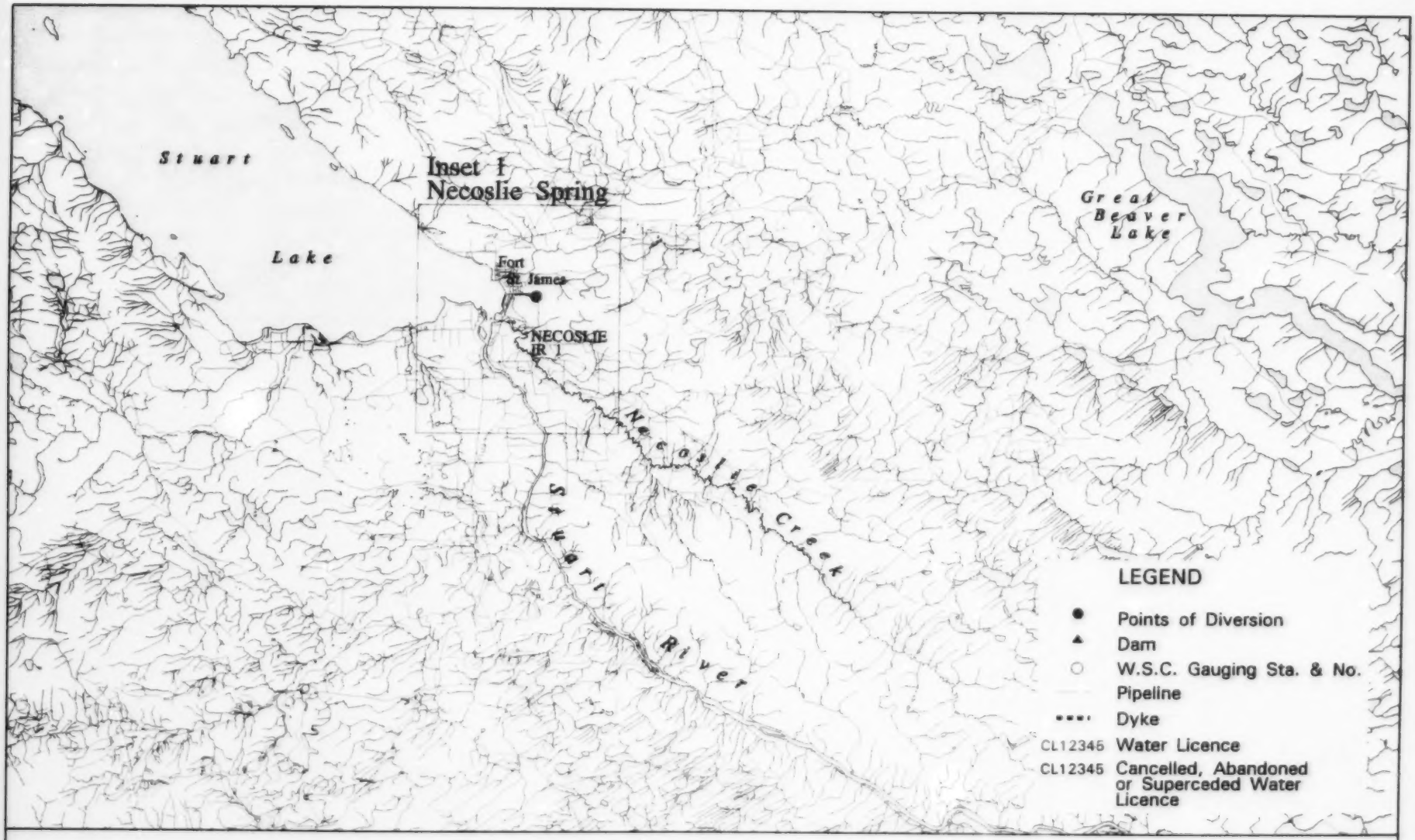
04/10/95

Ministry of Environment - Water Management Branch - Groundwater Section
Groundwater Database System
Data Summary - with Legal Descriptions and Old Coordinates

BCGS Map Area	Well No.	Well Tag No.	Lot No.	Plan No.	Blk No.	TP	SC	RG	D.L.	I	X	Y	Old Well No.	L.D.	Site Address	Date Constructed (dmy)	Well Depth (ft.)	Well Diam. (in.)	Drill Contr No.	Const. Method	Well Yield	Yld. Unt.	Depth to Water (ft.)	Depth to Bedrk (ft.)	Aquif Litho	Screen Interval (ft.)	G.W. Rpt	Chem Lab
093K.049.2.3.2	001	0000000064925								00	00	00	000	16		01-01-1950	200.0	0.0	367	UNK			UNK	200	UNC			
093K.049.2.3.2	002	0000000026832								00	00	00	000	16		26-08-1972	230.0	6.0	059	DRI	5.0	GPM	27	220	UNC			
093K.049.2.3.2	003	0000000026753								00	00	00	000	16	NECOSLIE IR	07-08-1972	229.0	6.0	059	DRI	2.0	GPM	18	214	UNC	201-205		

DISCLAIMER: The Province disclaims all responsibility for the accuracy of this information. This information should not be used as a basis for making financial or any other commitments.

ATTACHMENT 5



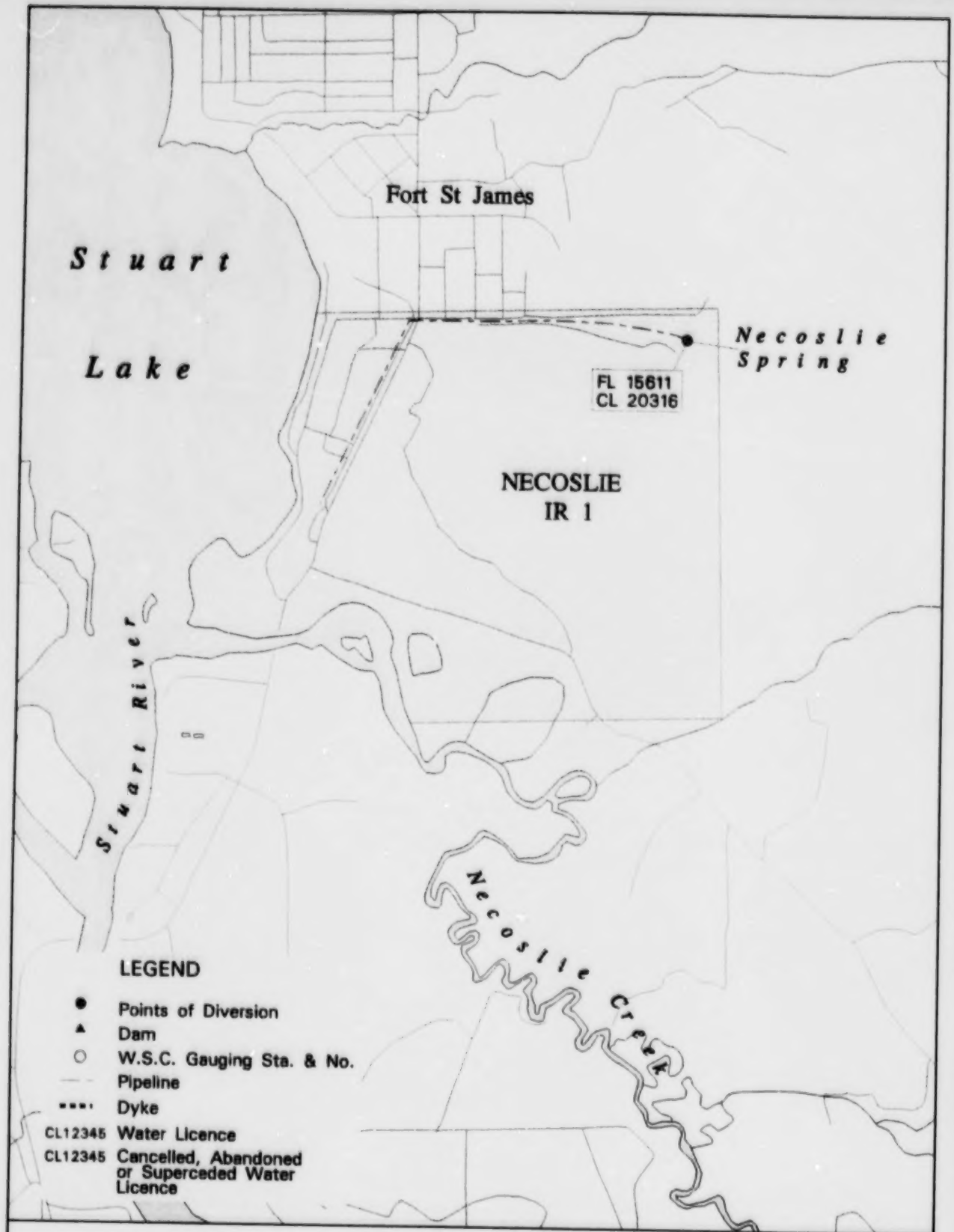
Nak'azdli

Scale 1:250,000

Ministry of Environment, Lands & Parks

Date: October 27, 1997

Environment & Lands Division



Necoslie Spring

Scale 1:20,000

Ministry of Environment, Lands & Parks Date: October 27, 1997 Environment & Lands Division